

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 459

BY BUSINESS COMMITTEE

AN ACT

RELATING TO BARBERS; AMENDING SECTION 54-506, IDAHO CODE, TO REVISE QUALIFICATIONS FOR LICENSURE AS A BARBER INSTRUCTOR AND TO PROVIDE FOR A LICENSE TO PRACTICE AS A BARBER-STYLIST INSTRUCTOR; AMENDING SECTION 54-507, IDAHO CODE, TO PROVIDE THAT ONE INSTRUCTOR MUST BE EMPLOYED TO EACH TWENTY STUDENTS; AND AMENDING SECTION 54-521, IDAHO CODE, TO REVISE BOARD MEMBER AND ASSISTANT COMPENSATION.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 54-506, Idaho Code, be, and the same is hereby amended to read as follows:

54-506. QUALIFICATIONS FOR LICENSURE. (1) A person is qualified to receive a license to practice as a barber-stylist who:

(a) Has two (2) years of high school or an equivalent education as determined by the board; ~~and~~

(b) Is at least sixteen and one-half (16 1/2) years of age; ~~and~~

(c) Is of good moral character; ~~and~~

(d) Has completed and graduated from a course of instruction of at least one thousand eight hundred (1,800) hours in a school of barbering approved by the board; and

(e) Successfully passes an examination approved by the board.

(2) A person is qualified to receive a license to practice as a barber who:

(a) Has two (2) years of high school or an equivalent education as determined by the board; ~~and~~

(b) Is at least sixteen and one-half (16 1/2) years of age; ~~and~~

(c) Is of good moral character; ~~and~~

(d) Has completed and graduated from a course of instruction of at least nine hundred (900) hours in a school of barbering approved by the board; and

(e) Successfully passes an examination approved by the board.

(3) A person is qualified to receive a license to practice as a barber instructor who:

(a) Holds a current barber ~~or barber-stylist~~ license issued by the board; ~~and~~

(b) Has satisfactorily completed a minimum six (6) month course of barber instructing as a student in a properly licensed barber college and has a minimum of one (1) year's experience ~~in practical barbering as an apprentice in a licensed barber college, or as a barber in a licensed establishment,~~ within the last three (3) years; ~~and~~

(c) Is of good moral character; and

(d) Successfully passes an examination approved by the board.

(4) A person is qualified to be a student who:

- 1 (a) Has attained the age of sixteen and one-half (16 1/2) years; ~~and~~  
 2 (b) Has a tenth grade or an equivalent education as determined by the  
 3 board; and  
 4 (c) Registers as a student in a licensed barber college.  
 5 (5) A person is qualified to receive a license to practice as a  
 6 barber-stylist instructor who:  
 7 (a) Holds a current Idaho barber-stylist license or a registered  
 8 cosmetologist license;  
 9 (b) Has satisfactorily completed a minimum six (6) month course of  
 10 barber-stylist instructing as a student in a properly licensed barber  
 11 college and has a minimum of one (1) year's experience as an apprentice  
 12 in a licensed barber college, or as a barber-stylist or registered  
 13 cosmetologist in a licensed establishment, within the last three (3)  
 14 years;  
 15 (c) Is of good moral character; and  
 16 (d) Successfully passes an examination approved by the board.

17 SECTION 2. That Section 54-507, Idaho Code, be, and the same is hereby  
 18 amended to read as follows:

19 54-507. APPROVED BARBER COLLEGES -- REQUIREMENTS -- BOND. (1) No  
 20 school teaching the art or science of barbering shall operate in Idaho or  
 21 be licensed as a school of barbering, unless the entrance requirements  
 22 are equal to those which are required under section 54-506, Idaho Code.  
 23 An approved college may teach special courses, but as a prerequisite to  
 24 graduation the college must provide:

25 (1a) A course of instruction for barber-stylists of not less than  
 26 one thousand eight hundred (1,800) hours and include in its course  
 27 of instruction the scientific fundamentals for barbering: hygiene;  
 28 bacteriology; histology of the hair, skin, nails, muscles and nerves;  
 29 structure of the head, face and neck; elementary chemistry relating  
 30 to sterilization and antiseptics; diseases of the skin, hair, glands  
 31 and nails; massaging and manipulating the muscles of the upper body;  
 32 hair cutting; shaving; and arranging, dressing, curling, waving,  
 33 straightening, coloring, bleaching and tinting of the hair; and

34 (2b) A course of instruction for barbers of not less than nine hundred  
 35 (900) hours and include in its course of instruction the scientific  
 36 fundamentals for barbering: hygiene; bacteriology; histology of  
 37 the hair, skin, nails, muscles and nerves; structure of the head,  
 38 face and neck; elementary chemistry relating to sterilization and  
 39 antiseptics; diseases of the skin, hair, glands and nails; massaging  
 40 and manipulating the muscles of the upper body; hair cutting; shaving;  
 41 and arranging and dressing of the hair.

42 (2) For the purpose of this chapter, a recognized approved barber  
 43 school or college (hereinafter referred to as a college) shall be understood  
 44 to be a college that has met the provisions of this chapter as approved by the  
 45 board.

46 (3) No college in the state shall advertise or use any signs or terms to  
 47 indicate that the college is approved, recognized, accredited, certified,  
 48 or licensed unless said college is licensed by the board. Every college

1 shall advertise as a college and make known to the public and customers that  
2 the work is being done by students.

3 (4) All instructors in an approved college must be licensed in the state  
4 of Idaho as a barber instructor or a cosmetology instructor.

5 (5) Every instructor in an Idaho licensed college shall devote his or  
6 her entire time during class hours to that of instructing the students and  
7 shall not apply his time to that of private or public practice during the  
8 school or class hours.

9 (6) A college furnishing satisfactory evidence that it is maintaining  
10 the requirements set forth in this chapter, within the state, shall, upon the  
11 payment of the required fee, be issued a license by the board.

12 (7) A license issued to a college must be renewed annually. Should  
13 a college fail or refuse to renew a license said college shall cease to  
14 operate, and be removed from the list of the approved colleges.

15 (8) The board may cancel or refuse to renew a license issued to a  
16 college upon proof that said college has failed or refused to meet with the  
17 requirements for approved colleges set forth in this chapter.

18 (9) One (1) instructor must be employed to each ~~fifteen~~ twenty ~~(15)~~ (20)  
19 students or fractional part thereof and one (1) barber instructor must be  
20 employed on a full-time basis in each school or college.

21 (10) Every school or college licensed by the board shall deliver  
22 to the board, a bond to the state of Idaho in the sum of twenty thousand  
23 dollars (\$20,000) in a form approved by the board, and provide a copy of the  
24 bond annually together with the application for school license renewal.  
25 The bond shall be executed by a corporate surety company duly authorized  
26 to do business in this state, conditioned that such school or college  
27 shall continue to give its courses of instruction, in accordance with the  
28 provision of this chapter, until it has completed all such courses for which  
29 students have enrolled, and conditioned that such school or college shall  
30 fully comply with all promises or representations made to enrolled students  
31 as an inducement to such students to enroll. Any student so enrolled who may  
32 be damaged by reason of the failure of such school or college to comply with  
33 such conditions, shall have a right of action in his or her own name, on such  
34 bonds, for such damage.

35 SECTION 3. That Section 54-521, Idaho Code, be, and the same is hereby  
36 amended to read as follows:

37 54-521. BOARD OF BARBER EXAMINERS -- POWERS AND DUTIES -- DESIGNATION  
38 OF PERSONS TO REPORT TO BOARD. There is hereby created, and established in  
39 the department of self-governing agencies, the board of barber examiners.  
40 The board may, by written agreement, authorize the bureau of occupational  
41 licenses as agent to act in the board's interest. In addition to the powers  
42 otherwise conferred by this chapter, it shall be the duty of the board:

43 (1) To conduct or approve examinations to ascertain the qualifications  
44 and fitness of applicants for licenses hereunder and to pass upon the  
45 qualifications of all applicants for licenses.

46 (2) To conduct hearings and proceedings in accordance with the  
47 provisions of chapter 52, title 67, Idaho Code, to revoke licenses issued  
48 under this chapter and to revoke such licenses subject to the provisions of  
49 this chapter.

1           (3) To designate what schools of barbering within and without the state  
2 are approved schools, and from time to time, to change such designations and  
3 to keep public records thereof.

4           (4) To prescribe rules in accordance with the provisions of chapter 52,  
5 title 67, Idaho Code, for a fair and wholly impartial method of examination  
6 of applicants for licenses hereunder and, subject to the provisions of  
7 chapter 52, title 67, Idaho Code, for conducting hearings for the revocation  
8 of licenses, defining the qualifications of an approved school of barbering  
9 and for the administration of this chapter in general.

10          Excepting the regulation of schools under section 54-507, Idaho Code,  
11 hereof, and the issuance of licenses under section 54-511, Idaho Code, none  
12 of the powers and duties specified in subsections (1) through (4) of this  
13 section, shall be exercised by the bureau except on the action of the board  
14 of barber examiners. When vacancies occur on the board, the governor shall  
15 appoint new members, but not more than a total of three (3) members, each  
16 of whom shall be a registered barber, and shall have been a resident of,  
17 and lawfully practicing barbering within the state of Idaho for a period  
18 of at least five (5) years next before his appointment, and who is neither  
19 directly nor indirectly in any way connected with or interested in the barber  
20 supply business nor in any institution offering instruction in barbering.  
21 In appointing the members of the board the governor shall give consideration  
22 to all nominations. The board and all assistants shall be compensated as  
23 provided by section 59-509 ~~(4)~~, Idaho Code.

24          The regular term of office of a member of the board shall begin as of the  
25 first Monday of July of the year in which he is appointed and shall continue  
26 for three (3) years thereafter. A member appointed to fill a vacancy  
27 occasioned otherwise than by expiration of a term shall serve the unexpired  
28 term of his predecessor.

29          A vacancy in membership in the board shall occur, and be declared by the  
30 governor, whenever the regular term of a member expires, or whenever a member  
31 dies, resigns, or is found by the governor to be mentally or physically  
32 incapable of acting, or to be neglecting or refusing to act, or to cease to  
33 have the qualifications of a member, or to have acquired disqualifications  
34 of a member, or to have been absent without reasonable cause from two (2)  
35 successive meetings of the board.

36          The board of barber examiners shall select from its members a chairman  
37 and vice chairman who shall serve at the pleasure of the board.

38          The action and report in writing of the board so designated shall be  
39 sufficient authority upon which the bureau may act.

40          Whenever the board is satisfied that substantial justice has not been  
41 done, either in examination or in revocation of a license or otherwise, it  
42 may order a reexamination or rehearing of the matter.